THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20321 of 2005

Date:15.09.2005

Fishermen Co-operative Society

--------PETITIONER

The Divisional Panchayat Officer and another

---------RESPONDENTS

ORDER:

The petitioner is a Fishermen Cooperative Society. It feels aggrieved by the fixation of upset price for leasing out the fishing rights in a tank at Rs.66,000/-. It is stated that when the upset price was fixed at 60,000/- few months ago, they made a representation to the Assistant Director of Fisheries, and that he, in turn, addressed a letter, dated 02.04.2005, to the District Panchayat Officer, indicating that such amount is on the higher side. The petitioner contends that instead of making a downward revision, the Gram Panchayat has enhanced it by Rs.6,000/-. It challenges the validity of the proceedings, dated 08.09.2005.

Heard the learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj.

The Government has framed rules and stipulated procedure in the matter of fixation of upset price, for awarding leases of fishing rights in the tanks. The registered Fishermen Cooperative Societies are entitled to be granted the fishing rights, in case they are agreeable to pay the amount so fixed. In default, the fishing rights can be put to auction by the Gram Panchayat.

A Revision is provided to the District Collector, in the matter of fixation of upset price, for the grant of fishing rights. The District Collector would be in a better position to appreciate the matter after calling for the records and ascertaining the views from the persons concerned. It is difficult for this Court to record any finding.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of revision before the District Collector. The grant of fishing rights either by way of auction or otherwise in the concerned tank shall be deferred by fifteen days from today. There shall be no order as to costs.

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15.09.2005

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